

Remarks/Arguments

Status of the Application

In the Final Office Action mailed April 13, 2007, claims 1, 2, 6, 15, 17, 19 and 29-34 were rejected and claims 4, 27, 28, 35, and 36 were objected to. In the present response, claims 1, 2, 4 and 32-36 have been amended so that claims 1, 2, 4, 6, 15, 17, 19, and 27-36 are pending. Support for the amendments to the claims can be found in the claims as originally filed and/or Examples 55-57. No new matter has been added.

35 USC §112, first paragraph

The Office rejected claims 1 and 2 under 35 USC §112, first paragraph as failing to comply with the written description requirement. Applicants respectfully assert that the amendments to the claims provided herein render this rejection moot. Accordingly, Applicants respectfully request the Office to withdraw this rejection.

35 USC §112, first paragraph

The Office rejected claims 1, 2, 6, 15, 17, 19, and 29-34 under 35 U.S.C. 112, first paragraph "because the specification, while being enabled for R's to a H, does not reasonably provide enablement for all the various substitutions and optionally substituted groups." The Office further alleges that the "specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims." The Office relied on the following in *In re Wands* factors in making this rejection: 1) the breadth of the claims; 2) the nature of the invention; 3) the state of the prior art; 4) the level of one of ordinary skill in the art; 5) the level of predictability in the art; 6) the amount of direction provided by the inventor; 7) the existence of working examples; and 8) the quantity of experimentation needed to make or use the invention based on the content of the disclosure. 858 F.2d 731 (Fed. Cir. 1988).

Applicants, however, respectfully assert that the amendments to the claims provided herein render this rejection moot. Accordingly, Applicants respectfully request the Office to withdraw this rejection.

Objections

As to claim 1, Applicants thank the Examiner for noticing the typographical error as to group A. Applicants have amended claim 1 to address the noted error rendering this objection moot. Accordingly, Applicants respectfully request the Office to withdraw this objection.

As to R¹, Applicants have amended claim 1 in a manner that renders this objection moot. Accordingly, Applicants respectfully request the Office to withdraw this objection.

As to the claim numbering error, Applicants again thank the Examiner for noticing this typographical error. Applicants have amended the claim numbers to renumber duplicate claim 31 and subsequent claims 32-35 as claims 32-36 thereby rendering this objection moot. Accordingly, Applicants respectfully request the Office to withdraw this objection.

SUMMARY

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance and respectfully solicit a Notice of Allowance of the claims at issue. In order to expedite disposition of this case, the Office is invited to contact Applicants' representative at the telephone number below to resolve any remaining issues. Although Applicants believe only a one-month extension of time fee is due, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 26-0166, referencing Attorney Docket No. A1570-4P US.

Global Intellectual Property, Patents,
AstraZeneca,
1800 Concord Pike,
Wilmington,
DE-19850-5437

Respectfully submitted,
/Jacqueline M. Cohen/

Name: Jacqueline M. Cohen
Dated: July 23, 2007
Reg. No: 51,574
Phone No: 302-885-4269